

DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT(S)

THIS DECLARATION made this _____ day of _____, 20__ by _____ owners, their successors, heirs, and assigns (the "Declarant") of a certain tract of land lying and being in Montgomery County, Maryland and being more particularly described as follows: _____

(the "Property"). The Declarant intends to subdivide the Property into lots and record a subdivision record plat(s) among the Land Records of Montgomery County, Maryland subsequent to the recordation of this Declaration among the Land Records,

WHEREAS, the Declarant by the execution of this Declaration grants certain easements as shown on the subdivision record plat(s) and makes certain agreements set forth in this Declaration with Montgomery County, Maryland and the Washington Suburban Sanitary Commission which agreements shall be binding on the Declarant and Declarant's successors, heirs, and assigns, and on the Property in perpetuity. Reference to this Declaration on the Subdivision Record Plat(s) to be recorded shall constitute incorporation of the terms of this Declaration on the said plat(s) by reference thereon.

NOW, THEREFORE, in consideration of the approval of the subdivision record plat(s) for the Property and the recitals which are incorporated in this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarant, the Declarant does hereby grant, covenant and agree as follows:

1. The Declarant does hereby grant and convey to Montgomery County, Maryland, its duly designated agents (the "County"), and the Washington Suburban Sanitary Commission and its duly designated agents (the "WSSC") those certain easements shown on the record plat and abutting all [insert roadway classification(s)] streets located on the Property for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including but not limited to:

- a) Street paving, curb and gutter, sidewalks, and bikepaths
- b) Street signs
- c) Traffic control signs and devices
- d) Storm drainage
- e) Street lights and appurtenances
- f) Street trees and planters
- g) Water and wastewater connections, meters and appurtenances
- h) Utilities

2. That the subdivision record plat(s) for the Property shall show thereon those certain easements which are granted by the Declarant and shown on the subdivision record plat(s) and shall be labeled "Public Improvements Easement" or "P.I.E."

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3. That the easements granted under Paragraph 2 shall be *[insert appropriate dimension(s) in accordance with the Road Code or applicable standards]* in width and shall be contiguous with and parallel and adjacent to the right-of-way lines of all of the affected *[insert roadway classification(s)]* streets.

The Declarant, does hereby covenant and agree that the granting of the easements shall not obligate the County or WSSC to provide maintenance in parking areas adjacent to *[insert roadway classification(s)]* unless such areas are disturbed during the installation and/or maintenance of the public improvements.

4. The Declarant covenants and agrees that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or its successors, or the WSSC or its successors with respect to its facilities. Should the County and/or WSSC, determine to remove any of the public improvements, the County and/or WSSC shall not be required to replace any improvements which are removed.
5. Declarant may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Transportation of Montgomery County, Maryland or their successors, and WSSC. Should the County or WSSC, in order to maintain its facilities within the Public Improvements Easement, be required to remove any of the trees or shrubs, the County and/or WSSC will not be required to replace them and the Declarant will save the County and/or WSSC harmless from any claim for damages to the trees and shrubs.
6. The Declarant does grant the Easements described in this Declaration and shown on the record plat(s) in perpetuity unto Montgomery County, Maryland and the Washington Suburban Sanitary Commission.

IN WITNESS WHEREOF the Declarant has executed this Declaration under seal on the Date first written above.

ATTEST:

[identify the owner(s)]

_____(SEAL)
[insert executor's name & title]

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STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

* * *
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I HEREBY CERTIFY that on this _____ day of _____, 20____, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared _____ who acknowledged himself to be the _____ of _____ and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes of signing the name of _____, by himself as such _____.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

My commission expires on _____

[insert Notary Public's name]

[NOTARIAL SEAL]